

**PATENT APPLICATION
DOCKET NO. 10012627-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S): Robert Sesek

CONFIRMATION NO.: 1691

SERIAL NO.: 10/022,142

GROUP ART UNIT: 3629

FILED: December 12, 2001

EXAMINER: Webb, Jamisue

SUBJECT: FEED FORWARD MAIL LOAD NOTIFICATION SYSTEM AND METHOD

**COMMISSIONER OF PATENTS
ALEXANDRIA, VA 22313-1450**

SIR:

APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL

1. Real Party in Interest.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. Related Appeals And Interferences.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. Status of Claims.

Claims 1-34 are pending but stand rejected. The rejections of all pending claims are appealed.

4. Status of Amendments.

No amendments have been filed after the final action was entered. All previous amendments have been entered.

5. Summary of Claimed Subject Matter.

Claim 1 recites a method of feed forward mail load notification to a carrier in a mass mailing operation. The method includes monitoring an actual mail production characteristic. See, e.g., Specification, page 12, lines 22-27 (daily production rates in step 60). A mail load forecast is transmitted to the carrier. See, e.g., Specification, page 12, lines 14-27 (production trends in step 54). The mail load forecast corresponds to a predicted number of mail pieces determined at least in part by the actual mail production characteristic. See, e.g., Specification, page 9, line 28 through page 10, line 11, page 11, lines 15-17, page 12, lines 14-27. The carrier is notified of a change in the mail load forecast if the monitoring step indicates a variance in the mail production characteristic that can affect the accuracy of the transmitted mail load forecast. See, e.g., Specification, page 13, lines 13-23.

Claim 18 recites an apparatus for feeding forward mail load notification to a carrier in a mass mailing operation. See, e.g., Specification, page 8, lines 15-18 (controller 36). The system includes means for monitoring an actual mail production characteristic. See, e.g., Specification, page 8, lines 15-18 (controller 36) and page 12,

lines 22-27 (daily production rates in step 60). Included are means for transmitting a mail load forecast to the carrier. See, e.g., Specification, page 8, lines 15-18 (controller 36) and page 12, lines 14-27 (production trends in step 54). The mail load forecast corresponds to a predicted number of mail pieces determined at least in part by the mail production characteristic. See, e.g., Specification, page 9, line 28 through page 10, line 11, page 11, lines 15-17, page 12, lines 14-27. The apparatus also includes means for notifying the carrier of a change in said mail load forecast if said means for monitoring indicates a variance in the mail production characteristic that can affect the accuracy of the mail load forecast. See, e.g., Specification, page 8, lines 15-18 (controller 36) and page 13, lines 13-23.

6. Grounds of Rejection To Be Reviewed.

A. Claims 1-8, 11-14, 16, 18-25, 28-31, and 33 under 35 USC §102 as being anticipated by USPN 5,072,401 issued to Sansone.

B. Ground For Rejection B – Claims 9, 10, 15, 17, 26, 27, 32, and 34 stand under 35 USC §103 as being unpatentable over Sansone.

7. Argument.

A. Ground For Rejection A – Claims 1-8, 11-14, 16, 18-25, 28-31, and 33 under 35 USC §102 as being anticipated by USPN 5,072,401 issued to Sansone.

Claim 1 is directed to a method of feed forward mail load notification to a carrier in a mass mailing operation and recites the following:

1. monitoring an actual mail production characteristic;
2. transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the actual mail production characteristic; and

3. notifying the carrier of a change in said mail load forecast if said monitoring step indicates a variance in the mail production characteristic that can affect the accuracy of the transmitted mail load forecast.

Attention is initially drawn to the use of the term “forecast.” The Specification distinguishes the term “forecast” from “actual numbers.” See Specification, page 12, lines 22-24 provides: “At step 60, the current daily production rates and levels are checked, and this is the most accurate information available **as these represent actual numbers and not forecasts**” (emphasis added).

At page 3 of the office action mailed April 16, 2007, the Examiner asserts that Sansone teaches “Producing and transmitting a mail load forecast corresponding to the **actual** mail production characteristic” (emphasis added). The Examiner is mischaracterizing Claim 1. Claim 1 does not recite that the forecast corresponds to an actual mail production characteristic. The recited forecast corresponds to a **predicted** number of mail pieces that is determined at least in part by the actual mail production characteristic.

The Examiner supports the assertion citing Sansone, col. 3, lines 48-67 and col. 9, lines 46-47, reproduced below.

A feature of the present invention is that a data communications link can be established with the Postal Service. Since the data center computer contains the information characterizing the mailer's mail batches, by communication exchanges with the Postal Service by way of linked computers, the Postal Service can be given advance information of the **actual delivery date and time of the densified mail batches it will soon receive, and their characteristics** important for the Postal facility to know in order to marshal its resources for processing these merged batches. Such information can be very valuable to the Postal Service in its logistics planning, especially since batch mailings represent by far the preponderance of its workload. From the opposite viewpoint, armed with knowledge of Postal Service resource availability and planning, the data center can inform its users when to time their deliveries of batch mail to assure more rapid processing by the Postal Service. It is also relatively simple for the data center to maintain a database of carriers used by the Postal Service to transport physical mail from facility to facility and ultimately to the local Post Office at the mail piece destinations. Thus, the data center can supply to the Postal Service information useful for carrier selection and carrier routing within

the Postal Service system, thereby reducing its processing costs, all of which can be rewarded to the mailers by way of extra discounts.

Sansone, column 3, line 48 through col. 4, line 6 (emphasis added).

It is clear from the passages relied upon by the Examiner that Sansone teaches transmitting **actual** numbers to the Postal Service as opposed to a mail load forecast. These are actual numbers corresponding to mail pieces already produced.

Sansone, col. 9, lines 41-47 describes that “a data center 118 is in communication with multiple user stations 110, 112 for receiving and storing information concerning mailing operations being conducted by the users, in particular, information concerning batches of mail that have or **will** shortly be generated but have not as yet been delivered to a Post Office” (emphasis added). The use of the word “will” means the information transmitted is actual – that is – the batches will be generated. They are not predicted to be generated. This is something that **will** happen.

As such Sansone fails to teach or suggest a method that includes transmitting a mail load forecast to the carrier where that mail load forecast corresponds to a predicted number of mail pieces determined at least in part by the actual mail production characteristic.

For at least these reasons, Claim 1 is patentable over Sansone as are Claims 2-17 which depend from Claim 1.

Claim 18 is directed to a system having various means for implementing the method of Claim 1. For at least the same reasons Claim 1 is patentable, so are Claim 18 and Claims 19-34 which depend from Claim 18.

B. Ground For Rejection B – Claims 9, 10, 15, 17, 26, 27, 32, and 34 stand under 35 USC §103 as being unpatentable over Sansone.

The Examiner rejected Claims 9, 10, 15, 17, 26, 27, 32, and 34 under §103 as being unpatentable over Sansone. Claims 9, 10, 15, and 17 depend from Claim 1. Claims 26, 27, 32, and 34 depend from Claim 18. For at least the same reasons Claims 1 and 18 are patentable, so are Claims 9, 10, 15, 17, 26, 27, 32, and 34.

8. Conclusion.

In view of the foregoing remarks, the Appellant respectfully and earnestly solicits early and favorable action allowing the Claims and passing the application to issue.

Respectfully submitted,
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APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. (previously preselected) A method of feed forward mail load notification to a carrier in a mass mailing operation, comprising the steps of:
 - monitoring an actual mail production characteristic;
 - transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the actual mail production characteristic; and
 - notifying the carrier of a change in said mail load forecast if said monitoring step indicates a variance in the mail production characteristic that can affect the accuracy of the transmitted mail load forecast.
2. (original) The method of Claim 1 further comprising the steps of:
 - receiving feedback from the carrier related to the carrier's capacity to accept mail
 - and
 - adjusting mail production in response to said feedback.
3. (original) The method of Claim 1 further comprising the steps of:
 - receiving feedback from the carrier related to the carrier's capacity to accept mail
 - and
 - requesting the services of a second carrier to accept excess production in the event the carrier is unable to accept the entire mail load production.
4. (original) The method of Claim 1 wherein said monitoring step comprises monitoring a mail production schedule.
5. (original) The method of Claim 1 wherein said monitoring step comprises monitoring production history.
6. (original) The method of Claim 1 wherein said monitoring step comprises monitoring present mail inventory.

7. (original) The method of Claim 1 wherein said monitoring step comprises monitoring an equipment maintenance schedule.

8. (original) The method of Claim 1 wherein said monitoring step comprises monitoring a present mail production rate.

9. (original) The method of Claim 1 wherein said mail load forecast is resolved to daily production forecasts.

10. (original) The method of Claim 1 wherein said mail load forecast is a rolling forecast that is updated periodically.

11. (original) The method of Claim 1 wherein said mail load forecast indicates the total number of mail pieces.

12. (original) The method of Claim 1 wherein said mail load forecast indicates the total weight of mail pieces.

13. (original) The method of Claim 1 wherein said mail load forecast indicates the destination of mail pieces.

14. (original) The method of Claim 1 wherein said mail load forecast indicates the routing of mail pieces.

15. (original) The method of Claim 1 wherein said mail load forecast is communicated to the carrier via the Internet.

16. (original) The method of Claim 1 wherein said mail load forecast is communicated to the carrier via a private network.

17. (original) The method of Claim 1 wherein said mail load forecast is communicated to the carrier telephonically.

18. (previously presented) An apparatus for feeding forward mail load notification to a carrier in a mass mailing operation, comprising:

means for monitoring an actual mail production characteristic;

means for transmitting a mail load forecast to the carrier, the mail load forecast corresponding to a predicted number of mail pieces determined at least in part by the mail production characteristic; and

means for notifying the carrier of a change in said mail load forecast if said means for monitoring indicates a variance in the mail production characteristic that can affect the accuracy of the mail load forecast.

19. (original) The apparatus of Claim 18 further comprising:

means for receiving feedback from the carrier related to the carrier's capacity to accept mail and

means for adjusting mail production in response to said feedback.

20. (original) The apparatus of Claim 18 further comprising:

means for receiving feedback from the carrier related to the carrier's capacity to accept mail and

means for requesting the services of a second carrier to accept excess production in the event the carrier is unable to accept the entire mail load production.

21. (original) The apparatus of Claim 18 wherein said means for monitoring monitors a mail production schedule.

22. (original) The apparatus of Claim 18 wherein said means for monitoring monitors production history.

23. (original) The apparatus of Claim 18 wherein said means for monitoring monitors present mail inventory.

24. (original) The apparatus of Claim 18 wherein said means for monitoring monitors an equipment maintenance schedule.

25. (original) The apparatus of Claim 18 wherein said means for monitoring monitors a present mail production rate.

26. (original) The apparatus of Claim 18 wherein said mail load forecast is resolved to daily production forecasts.

27. (original) The apparatus of Claim 18 wherein said mail load forecast is a rolling forecast that is updated periodically.

28. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the total number of mail pieces.

29. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the total weight of mail pieces.

30. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the destination of mail pieces.

31. (original) The apparatus of Claim 18 wherein said mail load forecast indicates the routing of mail pieces.

32. (original) The apparatus of Claim 18 wherein said mail load forecast is communicated to the carrier via the Internet.

33. (original) The apparatus of Claim 18 wherein said mail load forecast is communicated to the carrier via a private network.

34. (original) The apparatus of Claim 18 wherein said mail load forecast is communicated to the carrier telephonically.

EVIDENCE APPENDIX

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.